

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-3, 6-7, 9-16, 18 and 19 are pending and stand rejected.

Claims 1, 9 and 18 have been amended.

Claims 1,-3, 5-7 and 9-19 stand rejected under 35 USC 103(a) as being unpatentable over Okada (USP no. 5,809,454) in view of Itakura (USP no. 5,901,149) and further in view of Yuang (IEEE 1996, Intelligent Video Smoother for Multimedia Communications (GLOBECOM, IEEE, pp 502-507)), which are the same references cited in rejecting the claims in the prior Office Action.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims for the same remarks made in response to the rejection of the claims in the prior Office Action. However, in view of the remarks made in reply to applicant's response, the independent claims have been amended to further define the input/output relationship "to maintain a known number of packets between the number of received packets and the number of presented packets." No new matter has been added. Support for the amendment may be found at least on page 8, lines 24, which states "[i]n the algorithm it is aimed to maintain 3 packets in the buffer."

With regard to the references cited, applicant respectfully reasserts the remarks made in applicant's last response and further submits that none of the references discloses maintaining a known number of packets between the number of received packets and the number of presented packets, as is now recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, the invention recited in claim 1, for example, is not rendered obvious by the teachings of the cited reference, as the combination of the teachings of the three references fails to recite all the elements claimed in independent claim 1.

With regard to independent claims 9 and 18, these claims have been amended in a manner similar to that of claim 1. Hence, for the amendments made to the claims and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claims 9 and 18, applicant submits that the reason for the rejection of these claims has been overcome. Applicant respectfully requests withdrawal of the rejection and allowance of these claims.

With regard to the remaining claims, these claims ultimately depend from independent claims 1, 9 and 18, respectively, which have been shown not to be rendered obvious, and allowable, in view of the cited references. Accordingly, the aforementioned claims are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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